REMARKS

Claims 1-48 are currently pending in the subject application and are presently under consideration. Claims 10 and 35 have been amended herein to cure minor informalities. A clean version of all pending claims is found at pages 2-10.

Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claim 35 as Substantially Duplicative

The Office Action dated January 20, 2004 contends that claim 35 is substantially duplicative of claim 21. In response thereto, claim 35 has been currently amended herein to remedy a typographical error. It is believed that this amendment renders the objection moot. Accordingly, the objection of claim 35 should be withdrawn.

II. Rejection of Claim 10 Under 35 U.S.C. §112

The Office Action contends that there is an insufficient antecedent basis for the limitation "...the portal..." in claim 10. Claim 10 has been currently amended herein to remedy a typographical error. It is believed that this amendment renders the rejection moot. Accordingly, this rejection of claim 10 should be withdrawn.

III. Rejection of Claims 1, 2, 11-16, 21, 31, 33, 34, 36, 37, 42-44, 47, and 48 Under 35 U.S.C. §102(a)

Claims 1, 2, 11-16, 21, 31, 33, 34, 36, 37, 42-44, 47, and 48 stand rejected under 35 U.S.C. §102(a) as being anticipated by Otten, "Broadcasting Virtual Games in the Internet." It is respectfully submitted that this rejection should be withdrawn for at least the following reason. Otten does not teach or suggest each and every limitation as recited in the subject claims.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.

> Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention as claimed relates to a system and method to provide a spectator experience for networked gaming. In general, the invention's spectator experience can be generated in real time, provide highlights and instant replays. (*See* pg. 2, ln. 6-10). Furthermore, the present invention enables a representation of the spectator experience to be customized, such as based on user preferences and spectator parameters selected by respective spectators. (*See* pg. 11, ln. 28-30).

In particular, as recited in independent claim 1 (and similarly in independent claims 15, 31, 36 and 47), the subject invention provides a spectator experience having "a spectator engine that ***aggregates selected game data with other data to provide spectator data***, the game data varying as a function of at least one of contributions and interactions of at least one participant of an occurrence of the game or event; ***the other data including information based on use of the spectator experience.***" Moreover, independent claim 1 (and similarly independent claims 15, 31, 36 and 47) provides "a distribution system operative ***to provide a signal based on spectator data that is transformable into a representation of the spectator experience.***"

Otten fails to teach or suggest such claimed aspects of the present invention. Rather, Otten merely teaches an architecture for broadcasting multiplayer games *via* the Internet. (*See* Abstract).

By way of example, the spectator data, which is employed to generate the spectator experience, may include other information associated with the occurrence of the game or event. For instance, the other information could include information about the participants (*e.g.*, how many, who they are, statistical data, etc.), information about at least some of the spectators of the associated occurrence (*e.g.*, how many, who they are, etc.), commentary about the associated occurrence, related commercial services (*e.g.*, online stores, special offers, etc.), and/or links to other relevant information. (*See* pg. 2-3, ln. 26-30, 1). In other words, one advantage of the present invention's novelty is the

production of ***spectator data*** which provides a spectator with a degree of interactive experience currently unavailable in conventional systems.

Specifically, Otten merely discloses a buffering method to broadcast game data to provide "cheat protection" as well as more sophisticated camera planning logic. (Otten; pg. 6-7, ¶4). As a result, in accordance with Otten, the game is not viewed in real-time and is not based upon spectator-specific or interactive data as in applicants' claimed invention.

Rather, Otten teaches a "Director Module" that ***analyzes the buffered game data*** and calculates the best camera view for the scene. (Otten; pg. 10, ¶1). Otten's "Director Module" is silent with respect to offering spectator interactivity by aggregating game data with data based on use of the spectator experience to produce spectator data. Thus, Otten's architecture does not provide ***spectator data that is transformable into a representation of the spectator experience*** as recited in independent claim 1 (and similarly in independent claims 15, 31, 36 and 47) of the subject application.

In view of the foregoing, it is readily apparent that Otten does not anticipate or suggest the subject application as recited in independent claims 1, 15, 31, 36 and 47 (and claims 2, 11-14, 16, 21, 33-34, 37, 42-44 and 48 which respectively depend there from). Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 3, 4, 17, and 18 Under 35 U.S.C. §103(a)

Claims 3, 4, 17, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Otten in view of Kawagoe *et al.* (U.S. 6,325,717). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The combination of Otten and Kawagoe *et al.* does not teach or suggest all limitations as recited in the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference

> teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations.* *See* MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure.* *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). An examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done. *Ex parte Levengod*, 28 USPQ2d 1300 (P.T.O.B.A.&I. 1993).

Claims 3, 4, 17, and 18 depend from independent claims 1 and 15. Furthermore, Kawagoe *et al.* fails to make up for the aforementioned deficiencies of Otten. Kawagoe *et al.* does not teach or suggest a spectator experience having "a spectator engine that ***aggregates selected game data with other data to provide spectator data***, the game data varying as a function of at least one of contributions and interactions of at least one participant of an occurrence of the game or event; ***the other data including information based on use of the spectator experience.***" Moreover, Kawagoe fails to teach or suggest the limitation of independent claim 1 (and similarly independent claim 15) which provides "a distribution system operative ***to provide a signal based on spectator data that is transformable into a representation of the spectator experience.***"

Instead, Kawagoe *et al.* merely teaches a video game apparatus and method with enhanced virtual camera control. Therefore, the subject invention as recited in independent claims 1 and 15 (and claims 3, 4, 17, 18 which depend there from) is not obvious over the combination of Otten in view of Kawagoe *et al.* Accordingly, withdrawal of the rejection of claims 3, 4, 17, and 18 is respectfully requested.

V. Rejection of Claims 5 and 19 Under 35 U.S.C. §103(a)

Claims 5 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Otten in view of Kawagoe *et al.* and further in view of Moezzi *et al.* (U.S. 5,850,352). Claims 5 and 19 depend from independent claims 1 and 15, and Moezzi

et al. does not make up for the aforementioned deficiencies of Otten and Kawagoe *et al.* Rather, Moezzi *et al.* simply teaches an immersive video, including video hypermosaicing to generate from multiple video views of a scene a three-dimensional video mosaic.

Thus, Otten in view of Kawagoe *et al.* and further in view of Moezzi *et al.* does not teach or suggest the limitations of claims 5 and 19 of the subject application. Therefore, it is respectfully submitted that the rejection of these claims be withdrawn.

VI. Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Otten in view of Ham, "Half-Life: Spectator Tech." Claim 6 depends from independent claim 1. Furthermore, Ham fails to make up for the aforementioned deficiencies of Otten.

Instead, Ham simply suggests a Multicast Spectator Tech apparatus that allows professional quality broadcasts of live games. (Ham, ¶2). Thus, Otten in view of Ham does not teach or suggest the limitations of claim 6. Accordingly, this rejection should be withdrawn.

VII. Rejection of Claims 7 and 8 Under 35 U.S.C. §103(a)

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Otten in view of Ham and further in view of Matsuda *et al.* (U.S. 5,926,179). Claims 7 and 8 depend from independent claim 1, and Matsuda *et al.* fails to make up for the aforementioned deficiencies of Otten and Ham.

Matsuda *et al.* teaches a three-dimensional virtual reality space display processing apparatus, a three-dimensional virtual reality space display processing method, and an information providing medium. Specifically, Matsuda *et al.* particularly teaches a system to enable a user to quickly and surely recognize whether an object is chat-enabled or not. (*See* Abstract).

Thus, the limitations of claims 7 and 8 are not taught or suggested by Otten in view of Ham and further in view of Matsuda *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

VIII. Rejection of Claims 9, 10, and 32 Under 35 U.S.C. §103(a)

Claims 9, 10, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Otten in view of Sparks II (U.S. 6,352,479). Claims 9, 10, and 32 depend from independent claims 1 and 31, and Sparks II does not make up for the aforementioned deficiencies of Otten. Rather, Sparks II teaches a system for allowing one or more users to interactively play games from individual user terminals via a network. (See col. 1, ln.54-58).

Therefore, the combination of Otten and Sparks II does not teach or suggest all limitations recited in the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

IX. Rejection of Claims 20 and 38-41 Under 35 U.S.C. §103(a)

Claims 20 and 38-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Otten in view of Matsuda *et al.* Claims 20 and 38-41 depend from independent claims 15 and 36, and Matsuda *et al.* fails to make up for the aforementioned deficiencies of Otten.

As previously stated, Matsuda *et al.* teaches a three-dimensional virtual reality space display processing apparatus, a three-dimensional virtual reality space display processing method, and an information providing medium. Specifically, Matsuda *et al.* teaches a system to enable a user to quickly and surely recognize whether an object is chat-enabled or not. (*See* Abstract).

Thus, Otten in view of Matsuda *et al.* does not teach or suggest all limitations recited in the subject claims, and withdrawal of this rejection is requested

X. Rejection of Claim 22-24, 27-30, 45, and 46 Under 35 U.S.C. §103(a)

Claims 22-24, 27-30, 45, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sparks II in view of GibStats' "Quake Analysis Tool." It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The combination of Sparks II and GibStats does not teach or suggest all limitations as recited in the subject claims.

Independent claim 22 (and similarly independent claims 45 and 46) of the subject invention recites a ***"user interface element identifying a location of a spectator experience."*** By way of illustration, in accordance with the present invention, a spectator is provided a portal to connect to a game or a spectator experience associated with one or more games. By selecting an appropriate link, the spectator is redirected to a location (*e.g.* a URL) at which the game or spectator experience exists. As mentioned *supra*, this feature further allows greater spectator interactivity. Both Sparks II and GibStats do not teach or suggest this claimed limitation.

Sparks II suggests the matching of game players to appropriate games based on skill level and the statistics of other players. (*See* Sparks II, Abstract). In addition, GibStats teaches an analysis tool for the "Quake" video game series that allows a user to display, sort, and match individual *player* data. Hence, both Sparks II and GibStats are silent with regard to any system or method of ***identifying a location of a spectator experience***. Therefore, Sparks II or GibStats, alone or in combination, does not teach or suggest applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

XI. Rejection of Claims 25 and 26 Under 35 U.S.C. §103(a)

Claims 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sparks II in view of GibStats and further in view of Matsuda *et al.* Claims 25 and 26 depend from independent claim 22, and Matsuda *et al.* fails to make up for the aforementioned deficiencies of Sparks II and GibStats. Therefore, withdrawal of the rejection of claims 25 and 26 is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Ref. No. MSFTp235us).

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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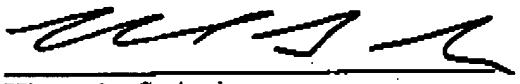

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